

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

**DRAFT ORDER**

Application 18922 License 7234

**ORDER CORRECTING THE POINT OF DIVERSION,  
UPDATING THE CONTINUING AUTHORITY CONDITION,  
ADDING MAXIMUM ANNUAL AMOUNT, AND  
ADDING ENDANGERED OR THREATENED SPECIES TERM**

**WHEREAS:**

1. License 7234 was issued to James W. Stevens on March 30, 1965 and subsequently assigned to William and Nancy Thompson, and. License 7234 was recorded with the County Recorder of Siskiyou on March 31, 1965.
2. License 7234 was subsequently assigned to Jackson D. Southern on January 12, 1982.
3. State Water Resources Control Board (SWRCB) staff inspected License 7234 on July 28, 1998. The location of the point of diversion shown in License 7234 was found to be incorrectly described.
4. The License term covering the continuing authority of the SWRCB should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.
5. SWRCB staff recommends that maximum annual amount of water to be diverted under this license (Application 18922) should be defined.
6. Fish and wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The corrected point of diversion is located within the NW¼ of the NE¼ of Section 34, T43N, R10W, MDB&M at California Coordinate System Zone 1, N805,500 feet and E1,731,650 feet.
2. The continuing authority condition, shall be updated and read as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

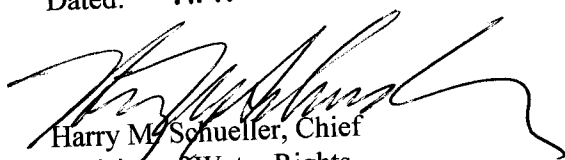
(0000012)

3. The maximum amount diverted under this permit shall not exceed 36 acre-feet per year.
4. The SWRCB Endangered Species condition is added to read as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 5131 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain an incidental take permit prior to construction or operation. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

(0000014)

Dated: **APR 20 1999**

  
Harry M. Schueller, Chief  
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 18922

PERMIT 12209

LICENSE 7234

THIS IS TO CERTIFY, That

James W. Stevens  
Box 485  
Fort Jones, California

Notice of Assignment (Civ.)

has made proof as of September 11, 1964,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
Emigrant Creek in Siskiyou County

tributary to Mill Creek thence Shackelford Creek thence Scott River

for the purpose of irrigation and domestic uses  
under Permit 12209 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from August 19, 1959,  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed seventeen-hundredths (0.17)  
cubic foot per second to be diverted from about June 1 to about September 15 of  
each year.

The point of diversion of such water is located :

South seven hundred (700) feet and east three hundred (300) feet from N $\frac{1}{4}$  corner of  
Section 34, T43N, R10W, MDB&M, being within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 34.

A description of the lands or the place where such water is put to beneficial use is as follows:

Domestic use within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 26, T43N, R10W, MDB&M, and irrigation of:

14 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, T43N, R10W, MDB&M
1 acre within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, T43N, R10W, MDB&M
15 acres total

Rights under this license are and shall be subject to existing rights as determined  
by Shackelford Creek Decree No. 13775, Superior Court, Siskiyou County, and such  
other rights as may presently exist on the stream insofar as said existing and  
adjudicated rights are maintained.

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.

*This license is granted and licensee accepts all rights herein conferred subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

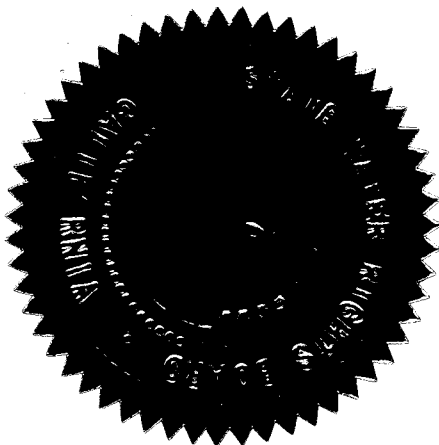
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAR 30 1965



*L. K. Hill*  
L. K. Hill  
Executive Officer

*9-15-66* RECEIVED NOTICE OF ASSIGNMENT TO *William V. Thompson*

*12-2-70* Name changed to *Lot 1 of William V. Thompson*

*12-10-70* RECEIVED NOTICE OF ASSIGNMENT TO *Nancy B. Thompson*

*1-12-82* Asgd to *Jackson D. Southern*

LICENSE 7234  
STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO James W. Stevens

DATED MAR 30 1965

JAN 7 '65 G.A.P.

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